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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,406	09/29/2000	Benoit Vialle	24530.00600	9675
49637	7590	02/24/2006		
BERRY & ASSOCIATES P.C. 9255 SUNSET BOULEVARD SUITE 810 LOS ANGELES, CA 90069			EXAMINER BAUTISTA, XIOMARA L	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/675,406

Applicant(s)

VIALLE ET AL.

Examiner

X. L. Bautista

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6-20 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-20 and 22-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-4, 6-20 and 22-25 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6-20 and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Hawkins et al* (US 6,516,202 B1), *Nokia* (Nokia 6160 Owner's Manual, published September 1998) and *Silberfenig et al* (US 2001/0041590).

#### Claims 1, 10 and 17:

Hawkins discloses a method and apparatus for an organizer (personal digital assistant) that may receive a cellular portion to form a cellular telephone. Hawkins teaches initiation of the call device in response to a call signal (col. 3, lines 35-45; col. 4, lines 35-36); displaying a selectable interface of the call device in response to the call signal (fig. 8A, 8B; 9B); the selectable interface is configured to

substantially emulate a dial pad of a handheld touch tone phone; receiving a dial signal from the selectable interface to initiate a phone call; and initiating the phone call in response to the dial signal (fig. 8A; col. 7, lines 12-60).

Hawkins does not teach that a phone call is placed to a last called phone number if digits are not received from the interface just before a dial signal is received in response to the user selecting a call initiation button. However, Nokia discloses a cellular telephone that automatically stores the numbers the user has dialed (p. 33-34, see: Dialed calls) and enables users to initiate a phone call by pressing an initiation button (Talk button). The phone call is placed to a last dialed (called) number (p. 41, see: Last number redial). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hawkins's mobile computer to include a redial or call-previously-entered-phone-number features because it saves the user precious time (especially when the phone number that is being called is busy for a long time or when several continuous calls to the same number are necessary) by enabling the caller to just press the Talk button over and over again until the call gets through.

Hawkins/Nokia does not teach deactivating a microphone by selecting a mute button during a phone call and replacing the mute button (activating a speak button) with a speak button by selecting the mute button during the phone call. However, Silberfenig discloses a cellular telephone having a mute button for

deactivating a microphone and replacing the mute button with a speaker when releasing the mute button to reestablish the microphone (page 3, pgs. 0028-0029, 0032; page 4, pgs. 0036, 0038). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of invention to modify Hawkins/Nokia phone interface to include a mute button because the local user is allowed to participate in a private conversation or local conference during the telephone call without being heard by the remote user.

Claims 2, 3, 18 and 19:

See claim 1. Nokia's Talk button is a hard button (see cited paper illustrating the Nokia 6160).

Claims 4, 13, and 20:

Hawkins teaches suspending a current application when the application is other than the call device (col. 4, lines 28-36).

Claims 6 and 22:

Hawkins teaches searching the memory of the organizer for a name associated with a phone number (col. 7, lines 64-67; col. 8, lines 1-8).

Claims 7 and 23:

Hawkins teaches a timer configured to clock the duration of the connection with other phone device (col. 7, lines 28-31; col. 8, lines 40-46; col. 12, lines 44-46).

Claims 8 and 24:

Hawkins teaches receiving a save signal to save a phone number and initiating an address entry application in response to receiving the save signal (col. 5, lines 27-34; col. 6, lines 27-36, 64-67; col. 7, lines 1-6; col. 8, lines 47-52; col. 12, lines 4-5, 16-26).

Claims 9 and 25:

Hawkins teaches a screen that provides the options of hanging up (ending connection), (col. 7, lines 42-44).

Claim 11:

Hawkins teaches that phone calls are placed and received (send, answer, ignore calls) according to the user selections (col. 7, lines 43-60; fig. 8B).

Claims 12, 14, and 15:

Hawkins teaches a display device that is a touch-sensitive screen, having software-generated keys (col. 2, lines 47-54), that identifies a tap input from a user (fig. 8A-8B; col. 6, lines 61-67; col. 7, lines 1-7).

Claim 16:

Hawkins teaches a microphone connected to the organizer, which is configured to receive audio input from a user (col. 3, lines 23-28; col. 11, lines 38-48). The microphone may be deactivated when the user terminates a call by pressing the touch pad (for example by pressing the hang up icon).

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Guccione et al discloses a wireless telephone having a mute button to disconnect a local user microphone of a headset. Watterson et al discloses a communication device having a mute control button for private conversation screening during telephone calls. Wierzbicki et al discloses a mobile unit having a mute function for deactivating the microphone of the mobile unit and also eliminates, for the other party, wireless network noise associated with the wireless system.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

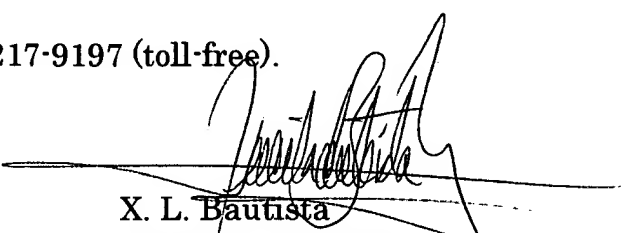
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this

final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X. L. Bautista whose telephone number is (571) 272-4132. The examiner can normally be reached on Monday-Thursday 8:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



X. L. Bautista  
Primary Examiner  
Art Unit 2179

xl  
February 15, 2006